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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,575	04/26/2000	Wolfgang M. Strobel	P48-1229-1	9555

7590 08/25/2004

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EXAMINER

TSAI, HENRY

ART UNIT

PAPER NUMBER

2183

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/558,575	STROBEL ET AL.	
	Examiner	Art Unit	
	Henry W.H. Tsai	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Claim Objections***

1. Claims 30-32 are objected to because of the following informalities: in claim 30, line 9, "are" should read -is-. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer (U.S. Patent No. 4,936,721) herein referred to as Meyer'721.

Referring to claim 30, Meyer'721 discloses as claimed a rotary cutting tool comprising: a first cutting portion (the cylindrical portion of the reamer portion 34 see Figs. 1 and 4)

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that is non-tapered and defining a first outer diameter (see Fig. 4) and second cutting portion (the cylindrical portion of the drill portion see Figs. 1 and 4) that is non-tapered defining a second outer diameter (on the cylindrical portion of the drill portion 32, see Fig. 4) extending from and coaxial with the first cutting portion, the second outer diameter being different from (the second outer diameter is smaller see Fig. 4) the first outer diameter; and wherein the second cutting portion (the cylindrical portion of the drill portion see Figs. 1 and 4) defines a generally cylindrical, outer peripheral surface (see Fig. 4); and each of the first cutting portion and second cutting portion being defined in part by at least two helical cutting flutes (18, 18 see Fig. 4, see also col. 2, lines 54-57) extending longitudinally (along the axis of cutting tool 10 see Fig. 4). Note at lines 1-2, the preamble "for generating slots in die boards" is just an intended use, therefore, it does not limit the scope of the claim invention.

As to claim 31, Meyer'721 also discloses a tapered portion (48 and 51 see Fig. 5) interposed between the first cutting portion (the cylindrical portion of the reamer portion 34 see Figs. 1 and 4) and the second cutting portion (the cylindrical portion of the drill portion see Figs. 1 and 4), and the tapered portion (48 and 51 see Fig. 5) having a diameter that progressively decreases from the first outer diameter to the second outer diameter (see Fig. 5).

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As to claim 32, Meyer'721 also discloses the first cutting portion (the cylindrical portion of the reamer portion 34 see Figs. 1 and 4) and second cutting (the cylindrical portion of the drill portion see Figs. 1 and 4) being generally cylindrical.

#### **Response to Arguments**

4. Applicant's arguments mailed 6/10/04 have been considered but are moot in view of the new ground(s) of rejection. As set forth above, Meyer'721 clearly anticipates the claimed invention.

#### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Henry Tsai whose telephone number is (703) 308-7600. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Eddie Chan, can be reached on (703) 305-9712. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to

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the TC 2100 receptionist whose telephone number is (703) 305-3900.

7. In order to reduce pendency and avoid potential delays, Group 2100 is encouraging FAXing of responses to Office actions directly into **the Group at fax number: 703-872-9306.**

This practice may be used for filing papers not requiring a fee.

It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account.

Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2100 will be promptly forward to the examiner.



HENRY W. H. TSAI  
PRIMARY EXAMINER

August 22, 2004